

Docket No. 4159-4003US2  
Serial No. 09/921,534

REMARKS

Status of the Application

Claims 1, 2, 4-8, 10, 11, 13-19 and 21-26 have been amended. Claims 1-27 are active in the Application.

Status of the Active Claims:

References to the subject Office Action are identified where appropriate by paragraph number, e.g. (para. X). Claims 1, 14, 15 and 17 are independent claims.

Claims 1, 14, 15 and 17 stand objected to for the use of "the Internet" (para. 2). These claims have been amended to replace the objected to language with "a network."

Claim 1 stands objected to for the use of the terms "such a" (para. 3) and rejected for the use of the term "may" (para. 6). The claim limitation containing these terms has been deleted.

Claims 10, 16 and 24 similarly stand rejected for the use of the term "may" (para. 6). Amendments have been made to overcome these rejections.

Claims 1-13 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 1 of copending application no. 09/666,725 (para. 8).

Claims 14-27 stand provisionally rejected as unpatentable over claim 1 of copending application no. 09/766,725 (para. 10).

Claims 1-20 and 24-27 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. PG Pub 2002/0091611 A1 to Minton (Minton).

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With respect to the provisional rejections of claims 1-13 and 14-27 under 35 U.S.C. §101, Applicant notes that the present case and the 09/666,725 cases have different ownership. More specifically, the present case has been assigned to Barter Securities, Inc. while the 09/666,725 has been left in the name of sole inventor Himmelstein. The provisional double-patenting rejection should not be applied at this time. It is respectfully requested that the subject rejection be deferred until one of the cited cases is allowed.

The active claims have been amended to more clearly distinguish over Minton. In particular, the claims have been amended to replace language reciting first and second classes of items with language citing first and second securities. These changes are evident through most of the amended claims. In the independent claims, the second security is recited as different from the first security.

More particularly, Minton recites a private trading system for the otherwise conventional trading of securities, i.e. selling, buying and market-making with conventional buy and sell orders. This is clear throughout Minton, reference for example paragraphs 0053, 0055, 0057, 0068 and 0098.

In contrast to Minton, Applicant has invented a system for bartering groups of different securities as a single transaction. In particular, independent claims 1, 14, 15 and 17 as amended all recite a barter order including first and second securities, the second security different from the first security. Claim 1 further recites means for displaying the barter order and means for selecting a posted barter order whose first and second

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securities match those of the displayed barter order. Claim 14 recites means for matching barter orders such that the first security of one class of barter orders matches the second security of another class of barter orders. Claim 15 recites displaying posted barter orders whose first securities match second securities of a posted barter order whereby to select a barter order and finalize a barter transaction. Similarly, claim 17 recites means for displaying posted barter orders whose first securities match the second securities of a posted barter order and means for selecting a displayed barter order.

In summary, the independent claims 1, 14, 15 and 17 as amended recite new and inventive systems and methods for trading securities in the form of barter orders containing different first and second securities. The invention as claimed is not shown or suggested by Minton and is submitted to be patentable over the art of record. The dependent claims are submitted to be patentable as dependent from patentable independent claims.

In light of the above amendments and remarks, Applicant respectfully submits that claims 1-27 in the present application are in condition for allowance. Accordingly, early and favorable reconsideration is respectfully requested.


Also, please note that the Applicants request a telephonic Examiner interview in order to discuss the pending claims in the Application and will be contacting the Examiner soon.

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Respectfully submitted,

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